

REMARKS

Claims 1-8 remain in this application. No claims have been canceled or amended.

The Declaration filed March 30, 2001 is objected to as having a typographical error in the serial number of the parent application. Applicants have submitted herewith a new Declaration which corrects the noted error in the earlier filed Declaration.

The drawings are objected to because in Figure 11c and 17 b the cavity should be denoted. Applicants have enclosed herewith a proposed drawing correction for the Examiners review.

The disclosure is objected to because of the following informalities:

The Examiner has questioned the meaning of "thickness of the cuff". This terminology was intended to have its conventional meaning. That is the cuff has a length, a width and a thickness. The length of the cuff is the dimension that extends longitudinally along a longitudinal direction of the absorbent article. The width is the dimension of the cuff that extends laterally outward for the absorbent article. The thickness is the caliper of the cuff, as such is conventionally used to describe such structures. These terms are well known to those of ordinary skill in the art, and applicants did not intend any special or different meaning to these terms. Applicants have carefully reviewed the specification and have not found any instances where these terms have been used in a manner inconsistent with the foregoing conventional definitions. Should the Examiner persist with the present objection, Applicants respectfully request a particular example where the term "thickness" was used in a manner that is different from its conventional meaning.

With regard to the terminology "high loft", this terminology is also conventional in the area of non-woven fabrics and Applicants did not intend any different meaning. While applicants indicated that the exact thickness is not, per se, critical to the invention, it does not alter the requirement that the cuffs be formed from a high loft material, as such material is well

known to those skilled in the art. Thus, while the thickness of the cuff is greater than 25 mils, such thickness need not be provided by a single layer of high loft fabric.

With regard to the other noted informalities, Applicants have, to the extent understood, corrected the noted errors.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fell et al. Applicants respectfully traverse.

The present invention is directed to an absorbent article for use in a perineal area of a user's body to absorb body fluid, the absorbent article comprising, inter alia, a fluid pervious first layer forming a top body faceable surface, a fluid impervious second layer forming a bottom garment faceable surface opposite the body faceable surface, an absorbent core positioned between the first layer and the second layer, and right and left cuffs which extend along a substantial portion of opposite right and left lateral sides of the absorbent article in at least a central portion of the absorbent article. The cuffs have a base portion and a distal end, each of the cuffs comprising a strip of a resilient, highloft, fluid permeable material which is covered along a substantial portion thereof with a flexible, fluid repellent porous material. The right and left cuffs are attached along their respective base portions to the right and left lateral sides of the absorbent article, respectively, such that the distal ends of the cuffs extend outward from the right and left lateral sides of the absorbent article, respectively.

The cited reference does not disclose or fairly suggest the above defined absorbent article. Applicants have carefully reviewed the cited portions of the Fell reference and believe that it does not disclose as much as alleged by the Patent Office. More specifically, Fell does not disclose the use of high loft materials as element 62 in the internal barrier structures when the terminology high loft is given its conventional definition in a manner consistent with Applicants present pending disclosure. Moreover, as clearly illustrated in the Figures, the internal barrier structures in Fell are integral with the absorbent structure and are located between the cover and barrier layers. Accordingly there are no side cuffs extending

Serial No. 09/737,078

along the right and left lateral sides of the absorbent article having base portions attached to the respective lateral sides.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the present rejection.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al. in view of McNeil '488. Claims 7-8 are dependent from an allowable base claim for the above reasons of record and accordingly are believed to be patentable of the art of record.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 

James P. Barr
Attorney for Applicant(s)
Reg. No. 32,882

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2826
Dated: August 25, 2003